

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT



Nos. 10-5234; 10-5235

DISCOUNT TOBACCO CITY & LOTTERY, INC.; LORILLARD TOBACCO COMPANY; NATIONAL TOBACCO COMPANY, L.P.; R. J. REYNOLDS TOBACCO COMPANY; COMMONWEALTH BRANDS, INC.; AMERICAN SNUFF COMPANY, LLC, fka Conwood Company, LLC,

Plaintiffs - Appellants/Cross-Appellees,

v.

UNITED STATES OF AMERICA; UNITED STATES FOOD & DRUG ADMINISTRATION; MARGARET HAMBURG, Commissioner of the United States Food and Drug Administration; KATHLEEN SEBELIUS, Secretary of the United States Department of Health and Human Services,

Defendants - Appellees/Cross-Appellants.

Before: CLAY and STRANCH, Circuit Judges; BARRETT, District Judge.

JUDGMENT

On Appeal from the United States District Court
for the Western District of Kentucky at Bowling Green.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district court is REVERSED IN PART and AFFIRMED IN PART.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script, appearing to read "Leonard Green".

Leonard Green, Clerk